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## FACSIMILE COVER SHEET

Date: August 23, 2004	U.S. Application No. 09/697,088 (our docket No. 16869P-015200US)	No. Pages (including this one): 2
TO: Examiner Kevin Bates U.S. Patent and Trademark Office	At Fax Number: (703) 746 - 6560	Confirmation Phone Number: (5252)
From : George B. F. Yee		

Dear Examiner Bates:

Thank you for your telephone call from this morning in connection with granting a telephonic interview to discuss the outstanding final Office action for the above-referenced applicatoin, scheduled for August 27 at 2PM EST. As requested, this fax constitutes an outline of the discussion points for the interview.

(1) We believe the pending claims are patentable over the cited reference to U.S. Pat. No. 6,401,178 (Gagne, et al.). Consequently, we believe a substantive amendment of the claims is not required to overcome the Section 102 rejection, although amendments clarifying the language may be appropriate (e.g., correction of a misspelling in claim 24).

(2) Independent claims 18 and 24 are representative of the subject matter recited in the pending claims.

(3) As to claim 18, col. 7, lines 40 - 47 and col. 8, lines 51 -54 if Gagne et al. were cited for showing "said third disk unit is accessed when said second computer accesses said storage system at a time prior to said re-mapping and said second disk unit is accessed when said second computer accesses said storage system at a time subsequent to said re-mapping."

As recited in claim 18:

the second computer accesses the third disk unit at a time prior to re-mapping  
the second computer accesses the second disk unit at a time subsequent to re-mapping

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This aspect of the present invention is not described in the cited portions of Gagne et al. It appears that the Host application B (23) of Gagne et al. initially accesses the BCV device (33) before a ESTABLISH command is received, and is "disconnected" after the ESTABLISH command is processed. See Col. 7, lines 60 - 64 in context with col. 8, lines 29 - 36 where they mention that device (33) is reconnected with host application B (23).

Host Application B (23) does not communicate with another device when it is disconnected, as emphasized in col. 7, lines 60 - 64. By comparison, the 2<sup>nd</sup> computer as recited in claim 18 accesses either the "3<sup>rd</sup> disk unit" or the "2<sup>nd</sup> disk unit"; there is no state where the 2<sup>nd</sup> computer does not access a disk unit as there is in Gagne et al.

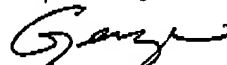
Furthermore, Gagne et al. does not show a "re-mapping of a disk identifier" so that the 2<sup>nd</sup> computer can access either the 3<sup>rd</sup> disk unit or the 2<sup>nd</sup> disk unit.

(4) As to claim 24, write operations made to a 1<sup>st</sup> disk unit are logged to a 2<sup>nd</sup> disk unit (first "updating" step in the claim). Then a 3<sup>rd</sup> disk unit is updated using the logged information on the 2<sup>nd</sup> disk unit (second "update" step in the claim). Then data from the 3<sup>rd</sup> disk unit is copied to a 4<sup>th</sup> disk unit (the "forming" step in the claim). The 4<sup>th</sup> disk unit is then accessed by a computer.

Gagne et al. do not appear to show the recited series of replications from a first disk unit to a fourth disk unit, thus allowing a computer to access the data on the fourth disk unit. Fig. 9 of Gagne et al. do not show that the data copied to BCV (33) is then copied to BCV (35); or, that BCV (35) is copied to another disk unit that is accessed by a computer.

These are the basic points that I propose to discuss. I look forward to our discussion this Friday at 2 PM your time.

Respectfully,



George B.F. Yee  
Reg. No. 37,478